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Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

LION RAISINS, INC.,	)	1:09-cv-01900-OWW-SMS
	)	
Plaintiff,	)	<b>DEFENDANTS' RESPONSE TO</b>
	)	<b>REQUEST FOR DISMISSAL AND</b>
vs.	)	<b>ORDER</b>
	)	
UNITED STATES DEPARTMENT OF	)	
AGRICULTURE; UNITED STATES	)	
DEPARTMENT OF JUSTICE,	)	
	)	
Defendants.	)	
	)	

Defendants, United States Department of Agriculture ("USDA") and United States Department of Justice ("DOJ"), file this response to the Request for Dismissal (Doc. 18) filed by Plaintiff, Lion Raisins, Inc. ("Lion"). As Lion noted in its request, Lion has entered into a global settlement agreement under which the USDA's allegations against Lion, relating to forgery and alteration of USDA raisin inspection certificates, have been resolved. The settlement agreement provides that "[u]pon execution of this Agreement, Lion agrees to dismiss, without prejudice, all pending administrative, state, and federal court litigation, including: . . . Lion Raisins, Inc. v. USDA and

1 DOJ, Case No. 1:09-CV-01900-OWW-SMS (E.D. Cal) . . .” The  
2 settlement agreement contains no reservation or exception that  
3 would allow Lion to seek only a partial dismissal and continue  
4 this litigation against USDA components Office of Inspector  
5 General and Office of General Counsel or against DOJ.  
6 Accordingly, Defendants have notified Lion that its proposed  
7 partial dismissal is improper and that the agreement requires a  
8 complete dismissal of this action. Lion has refused to stipulate  
9 to a complete dismissal.

10 Defendants intend to file by July 23, 2010, their motion to  
11 enforce the settlement agreement and to dismiss this action in  
12 its entirety pursuant to the express terms of that agreement.  
13 DEFENDANTS THEREFORE REQUEST that the Court vacate the hearing  
14 and briefing schedule on summary judgment (Scheduling Conference  
15 Order, Doc. 14) pending the Court’s ruling on enforcement of the  
16 settlement agreement.

17 Respectfully submitted,

18 Dated: July 8, 2010.

BENJAMIN B. WAGNER  
United States Attorney

20 By: /s/ Benjamin E. Hall  
21 BENJAMIN E. HALL  
22 Assistant U.S. Attorney  
Attorneys for Defendants

23 **ORDER**

24 IT IS SO ORDERED.

25 Dated: July 8, 2010

/s/ OLIVER W. WANGER  
UNITED STATES DISTRICT JUDGE